

HOUSE BILL NO. 196

INTRODUCED BY L. HELLEGAARD, M. MALONE, J. SCHILLINGER, S. GIST, S. ESSMANN, N. DURAM, L. SHELDON-GALLOWAY, F. SMITH, T. MOORE, R. KNUDSEN, B. MERCER, J. HINKLE, M. BINKLEY, A. REGIER, K. SEEKINS-CROWE, F. NAVE, R. MARSHALL, B. KEENAN, J. READ, J. BERGSTROM, K. BOGNER, B. PHALEN, B. BEARD, L. DEMING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROCEDURE FOR THE COUNTING OF VOTES; PROVIDING FOR ENFORCEMENT BY THE ATTORNEY GENERAL; AMENDING SECTION 13-15-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. SECTION 1. ENFORCEMENT BY ATTORNEY GENERAL. ANY DEVIATION FROM 13-15-101 IS ELECTION INTERFERENCE. THE ATTORNEY GENERAL MAY BRING ACTION IN THE APPROPRIATE MONTANA DISTRICT COURT TO PREVENT OR RESTRAIN VIOLATION OF 13-15-101.

Section 2. Section 13-15-101, MCA, is amended to read:

"13-15-101. Votes to be publicly counted -- return forms. (1) (A) Any official vote count must be open to public observation, ~~and continue without adjournment until it is completed, and the result must be publicly declared~~ INCLUDING BUT NOT LIMITED TO RESOLUTION AND COUNTING AREAS.

(B) COUNTIES THAT PERFORM TABULATION USING A VOTE-COUNTING MACHINE ON THE DAY PRIOR TO THE ELECTION SHALL CONTINUE WITHOUT ADJOURNMENT UNTIL ALL AVAILABLE BALLOTS THAT CAN BE LEGALLY COUNTED HAVE BEEN TABULATED. THE RESULTS OF THE TABULATION MAY NOT BE MADE PUBLICLY AVAILABLE UNTIL AFTER THE CLOSE OF POLLS ON ELECTION DAY AND ONLY AFTER ALL VOTERS HAVE COMPLETED VOTING ON ELECTION DAY IN THE COUNTY.

(C) (I) ON ELECTION DAY, TABULATION MUST BEGIN AND CONTINUE WITHOUT ADJOURNMENT UNTIL ALL AVAILABLE BALLOTS THAT CAN BE LEGALLY COUNTED HAVE BEEN TABULATED EXCEPT PENDING UNRESOLVED RESOLUTION BOARD BALLOTS, PROVISIONAL BALLOTS, OR MILITARY OVERSEAS BALLOTS.

1 (ii) NO EARLIER THAN 8 P.M. ON ELECTION DAY AND WHEN ALL VOTERS IN A COUNTY HAVE COMPLETED
2 VOTING ON ELECTION DAY, THE ELECTION ADMINISTRATOR IN THE COUNTY SHALL PROVIDE THE INITIAL RESULTS TO THE
3 PUBLIC AND, IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE BALLOT ISSUE, PROVIDE THE INITIAL
4 RESULTS TO THE SECRETARY OF STATE'S ELECTION NIGHT REPORTING SYSTEM.

5 (iii) AT LEAST ONCE EVERY 2 HOURS THEREAFTER, THE ELECTION ADMINISTRATOR SHALL CONTINUE TO
6 PROVIDE THE RESULTS TO THE PUBLIC AND, IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE
7 BALLOT ISSUE, PROVIDE THE RESULTS TO THE SECRETARY OF STATE'S ELECTION NIGHT REPORTING SYSTEM.

8 (iv) ONCE TABULATION HAS BEEN COMPLETED, THE RESULTS MUST BE IMMEDIATELY PUBLICLY DECLARED,
9 AND IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE BALLOT ISSUE, THE RESULTS MUST BE
10 IMMEDIATELY PROVIDED TO THE SECRETARY OF STATE'S ELECTION NIGHT REPORTING SYSTEM.

11 (v) ALL DOCUMENTS MUST BE SECURED, WITH NO PERSON ALLOWED ACCESS OUTSIDE REGULAR
12 BUSINESS HOURS.

13 (d) (i) A COUNTY THAT PERFORMS TABULATION PURSUANT TO 13-15-107, 13-21-206, OR 13-21-226
14 SHALL CONTINUE WITHOUT ADJOURNMENT UNTIL ALL AVAILABLE BALLOTS THAT CAN BE LEGALLY COUNTED HAVE BEEN
15 TABULATED.

16 (ii) ONCE TABULATION HAS BEEN COMPLETED, THE RESULTS MUST BE IMMEDIATELY PUBLICLY DECLARED,
17 AND IF THE ELECTION IS FOR AT LEAST ONE STATEWIDE RACE OR STATEWIDE BALLOT ISSUE, THE RESULTS MUST BE
18 IMMEDIATELY PROVIDED TO THE SECRETARY OF STATE'S ELECTION NIGHT REPORTING SYSTEM.

19 (2) Immediately after all the ballots are counted by precinct, the election judges shall copy the total
20 votes cast for each candidate and for and against each proposition on the return forms furnished by the election
21 administrator.

22 (3) The election judges shall immediately display one of the return forms at the place of counting
23 and return a copy to the election administrator. Both forms must be signed by all the election judges completing
24 the count."

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26 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
27 INTEGRAL PART OF TITLE 13, CHAPTER 15, PART 1, AND THE PROVISIONS OF TITLE 13, CHAPTER 15, PART 1, APPLY TO
28 [SECTION 1].

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2 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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